

**PROPOSED RESPONSE-**  
**FOR DISCUSSION PURPOSES ONLY**

**IN THE CLAIMS:**

Amend claim 1 as below.

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1. (Twice Amended). A method for controlling jitter buffer size for a jitter buffer of a communication device for communication with a network, the method comprising the steps of:

monitoring activity on said network and determining at least a plurality of burst periods from said activity [for at least one burst period];

analyzing said [at least one] burst [period] periods and determining a likelihood for at least one subsequent burst period therefrom; and

adjusting said jitter buffer size based on said determined likelihood for said at least one subsequent burst period.

**REMARKS**

Reconsideration in view of the foregoing amendments and the following remarks is respectfully requested.

Initially, the applicant notes the allowability of claims 3 and 6-8, if rewritten to overcome the rejections under 35 USC 112, second paragraph.

Claims 1, 2, 4,5 and 9-14 were rejected under 35 USC 102(b), as anticipated by Steagall, et al. (U.S. Patent No. 5,127,001) (Steagall).

Claim 1 has been amended to recite the determination of burst periods from network activity. These burst periods are analyzed to determine the likelihood of a subsequent burst period, with jitter buffer size adjusted based on the determined likelihood of a subsequent burst. As a result of this method, jitter buffer size is adjusted proactively, based on burst period histories.

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Steagall is directed to a system for conducting a conference call over a distributed digital network. A conference call packet processor includes a variable threshold timer that controls queues (buffers) to alternate between containing one voice packet and being empty. This variable threshold timer alters the queue or buffer sizes reactively, based on the current state of the play out interval of the voice packets.

Based on the above, this reference operates in a completely different manner than the claimed subject matter. Moreover, it fails to show any structure or methods for burst period detection, and utilization of burst period information for queue adjustment. Accordingly, claim 1 is neither anticipated nor rendered obvious by Steagall.

Claims 1,2, 4, 5, 9, 10, 13 and 14 were rejected under 35 USC 102(b), as anticipated by Klingler (U.S. Patent No. 5,323,272) (Klingler).

Claim 1 has been discussed above. That discussion is applicable here.

Klingler is directed to an audio receiver with a FIFO memory buffer. The FIFO memory buffer is adjusted by logic that changes the buffer, reactively, based on its current situation.

This is in contrast to the claimed invention, that alters jitter buffer size proactively, based on analysis of previous burst periods.

Accordingly, Klingler operates in a completely different manner than the claimed subject matter. Moreover, it fails to show any structure or methods for buffer adjustment based on burst period detection, and utilization of burst period information. Accordingly, claim 1 is neither anticipated nor rendered obvious by Klingler.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Allowance of all pending claims, 1-14, is respectfully requested.

Respectfully submitted,